

HB 460 -- CIVIL PROCEEDINGS

SPONSOR: Kolkmeier

This bill allows two or more plaintiffs, in any civil action where there is a count alleging a tort, to join in a single action only if each plaintiff could have separately filed an action in that venue, independent of the claims of any other plaintiff. A plaintiff shall be deemed misjoined if he or she cannot establish proper venue independently. If the plaintiff was first injured outside Missouri, two or more defendants may be joined in a single action if the plaintiff can establish proper venue against each defendant individually. If proper venue cannot be established against a defendant individually, that defendant shall be deemed misjoined. If a plaintiff or defendant is deemed misjoined, the plaintiff or defendant shall be severed from the action and the claims shall be transferred to a county in which venue exists. If no venue in Missouri exists, the claims shall be dismissed.

If trial occurs over objections to improperly established venue and the matter is still subject to review, any judgment entered shall be vacated and the claim shall be remained to the trial court for the sole purpose of transferring any claim for which venue does not exist to a county in which venue exists. If no such venue exists, the claim shall be dismissed.

The bill also repeals a provision prohibiting orders of dismissal to divest a court of venue if venue was proper at the time the action commenced, as well as a provision requiring a dismissed defendant to remain a party to the action for venue purposes.